

1 Q. What types of illnesses do those
 2 individuals have that you can think of?
 3 A. I can't think of any illnesses
 4 offhand. You know, and maybe what you're
 5 getting at is, we do require periodic proof of
 6 disability. If somebody has a condition. Is
 7 that extremely well documented by medical, by
 8 objective medical evidence, such as the
 9 situation of somebody in a coma, or somebody
 10 who's lost limbs, and it's clear and evident
 11 that there's not a likelihood, but that the
 12 person is totally disabled, at present, and
 13 there is no likelihood of future improvement,
 14 then we would require periodic proof of
 15 disability, but we would only request it every
 16 couple of years.
 17 But there are many conditions where
 18 present total disability isn't clear or the
 19 opportunity for future recovery is based on
 20 improvement in the condition or advances in
 21 medical technology, where we would require more
 22 frequent proof of disability.
 23 Q. Even where the person, the
 24 hypothetical person has been receiving benefits
 25 continuously for five years or more?

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1 approve the third appeal, was any consideration
 2 given to the opinions of Mr. Jeffries' doctors
 3 that this illness would be permanent?

4 MR. WAHL: Objection.

5 MR. ROBERTS: What's the basis of
 6 that objection?

7 MR. WAHL: He's testified 15 times
 8 he did not make a decision on the appeal.

9 Q. Okay. You were present when the
 10 decision was made. Based on your observation
 11 of those making the decision, was there any
 12 consideration given to the fact that
 13 Mr. Jeffries' physicians had suggested that
 14 this would be a permanent illness?

15 A. Well, the group policy doesn't have
 16 any requirement.

17 Q. I don't ask you if the policy said
 18 "

19 MR. WAHL: Let him answer the
 20 question, please.

21 MR. ROBERTS: He's not answering.

22 MR. WAHL: You interrupted him
 23 before he finished his answer.

24 Q. Was any consideration, based on
 25 your observations, was there any consideration

1 A. Yes.
 2 Q. And can you give me a condition
 3 that someone suffers from? Because you said
 4 you can think of some specific claims where
 5 they have been paid for five years or more, yet
 6 monthly proof is still required. What types of
 7 illnesses are you, specifically, thinking of?
 8 MR. WAHL: Objection.
 9 Q. Don't tell me the name of the
 10 claimant. I don't want to know. I just want
 11 to know the condition.
 12 A. Don't worry. I wasn't going to.
 13 Q. This person or persons that you're
 14 thinking, what is it that they're suffering
 15 from has put them in a position where they're
 16 getting benefits for five years continuously,
 17 but still have to give monthly proof of loss?
 18 A. A person who has ..
 19 Q. This is a specific case you're
 20 giving me, not a hypothetical?
 21 A. No, I'm giving you a hypothetical.
 22 Q. Can you think of any specific
 23 cases?
 24 A. Not off the top of my head.
 25 Q. When you made the decision to

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1 given to the fact that Mr. Jeffries' doctors
 2 said this would be a permanent condition?

3 A. And as I was starting to say
 4 before, the group policy doesn't require
 5 permanent disability in order for benefits to
 6 be approved. In fact, there's no mention of
 7 permanent disability in the group policy.

8 So, what was at issue before the
 9 appeals committee was whether or not
 10 Mr. Jeffries was eligible for benefits under
 11 the terms of the group policy at the time that
 12 they were making that decision.

13 Q. So, no consideration was given to
 14 the fact that his doctors suggested it would be
 15 permanent. Is that correct?

16 A. It wasn't relevant to the
 17 determination.

18 Q. Okay. Fine. I will accept that
 19 answer now. Was there consideration given to
 20 the fact that his doctors said it would be
 21 permanent?

22 A. Um.

23 Q. You're struggling with an answer to
 24 this question?

25 A. I'm struggling with answering what